

REMARKS

Applicants would like to extend their gratitude to Examiners Dawson and Weiss for the courtesies they extended to Applicants' representatives during a personal interview held August 8, 2002. Applicants would like the following comments made of record especially since the Examiner did not appear to check the box indicating that "It is not necessary for applicant to provide a separate record of the substance of the interview."

Applicants have amended independent claims 1 and 27 to overcome the rejections under 35 U.S.C. § 112, second paragraph only. In particular, Applicants submit that amending the allegedly indefinite phrase "predetermined amount" to "predetermined pressure difference" does not constitute new language upon which other rejections stand or fall as stated on the Interview Summary. The change merely clarifies that the amount, by which one pressure exceeds another pressure, is naturally a pressure difference. Moreover, Briend et al. does not teach means for delivering a substance to the human or animal during an inhalation at a pressure that exceeds the measured pressure of a supplied pressure of the breathable gas by a predetermined pressure difference, as recited in claim 1 as amended, or as originally filed (e.g., "by a predetermined amount"). Therefore, if the next Office Action is not a Notice of Allowance, it must be a non-final office action since Applicants' amendment will not have necessitated any new grounds for rejection.

The Interview Summary indicates that the claims discussed were 1, 27, 50 and 74. Although Applicants' representatives discussed the original and amended claims 1 and 27, and newly added independent claims 50 and 74, Applicants' representatives also discussed dependent claim 47. In particular, Applicants' representatives discussed that the cited prior art references fail to disclose or suggest the claim specified feature of an "input signal indicative of the pressure difference by which the pressure of the delivered substance should exceed the pressures of the supplied breathable gas," as recited in claim 47. Other features recited in the dependent claims are discussed in the Remarks section of the Amendment filed on June 17, 2002. Therefore, the dependent claims do not stand or fall with the rejection of the independent claims from which they depend.

Newly added claims 75-78 recite subject matter which finds support in the application as originally filed. For example, Fig. 3 illustrates substance reservoir 54 to store the substance 52, wherein the airflow sensor 22 is also configured to detect exhalation by the human or animal, wherein the substance reservoir 54 is configured to provide the substance 52 to the positive displacement pump 168 during an exhalation of the human or animal, and

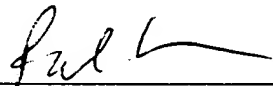
wherein the substance 52 is delivered from the positive displacement pump 168 to the human or animal during an inhalation of the human or animal, as recited in newly added claim 77.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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